

**REMARKS**

Applicant has amended the specification at pages 7 and 15 to correct some minor typographical errors. Applicant has also amended Claims 1-5, 20-23, 26-27, and 29-30. Support for the amendment to Claim 1 can be found in previously presented Claim 2 and throughout. Support for the amendment to Claim 2 can be found inherently within Claim 2 and throughout. Support for the amendment to Claim 3 can be found in previously presented Claim 22. Support for the amendment to Claim 4 can be found in previously presented Claim 2. Support for the amendment to Claim 5 can be found in original Claim 1 and in page 2, lines 19-26 of the Application. Support for the amendment to Claim 20 can be found inherently therein and throughout the Application. Support for the amendment to Claim 21 can be found in previously presented Claim 30. Support for the amendment to Claim 22 can be found inherently therein. Support for the amendment to Claim 23 can be found in previously presented Claim 29. Support for the amendment to Claim 26 can be found in original Claim 1 and in page 2, lines 19-26 of the Application. Support for the amendment to Claim 27 can be found in previously presented Claims 21 and 30. Support for the amendment to Claim 29 can be found inherently therein. Support for the amendment to Claim 30 can be found in previously presented Claim 22. The Applicant submits that these minor amendments and corrections herein are made without prejudice as to patentability, including the doctrine of equivalents, and no new matter has been added.

**Claims 1, 4-5, 20, 23-26, and 27-28 are Not Anticipated.**

The Examiner rejected Claims 1, 4-5, 20, 23-26, and 27-28 under 35 U.S.C. § 102(e) as being anticipated by Tatchell et al., U.S. Patent No. 5,905,774 (hereinafter "Tatchell"). The Applicant respectfully traverses the rejection.

The present invention relates to a method of identifying incoming calls. In particular, the present claimed invention relates to a method of identifying incoming calls which employs a local answering system and which utilizes caller identification. It is acknowledged in the background section of the Application that it is known to have various caller identification, call screening, and call blocking devices and/or services employed at a business and a domestic

environment. The background section also describes problems associated with such devices and services.

According to the embodiment of the present invention described in Claim 1, the problem is solved, for example, by providing a process methodology including determining caller identification information associated with an incoming call received from a telecommunication service provider network without allowing an audible indicator of the incoming call to sound, and allowing the audible indicator of the incoming call to sound responsive to determining a match between the caller identification information associated with the incoming call and caller identification information for an allowable calling party, each without destroying the functionality of caller ID capable device(s) employed by the process. This is accomplished by capturing the caller identification information and retransmitting the caller identification information immediately after allowing the audible indicator of the incoming call to sound a match occurred. According to the embodiment described in Claim 4, the problem is solved, for example, by passing the incoming call to an answering system device at a customer equipment premises location without allowing the audible indicator of the incoming call to sound responsive to determining no match between the caller identification information associated with the incoming call and caller identification information for an allowable calling party. According to the embodiment described in Claim 5, the problem is solved, for example, by receiving calling line identification data between a first pair of bursts sent by the telecommunication service provider, reframing the received calling line identification data, and retransmitting the calling line identification data between a second pair of bursts sent by the telecommunication service provider. This is a specific instance which allows a user of the identified caller ID capable communications device to take advantage of automated incoming call screening without losing caller ID capability.

According to the embodiment of the present invention described in Claim 20, the problem is solved, for example, by determining the presence of caller identification information associated with an incoming call received from a telecommunication service provider network without allowing an audible indicator of the incoming call to sound, selecting a default mode (mode selectable by a user) when there is not any caller identification information associated with the incoming call, and handling the call in accordance with the selected default mode.

According to the embodiment of the present invention described in Claim 26, the problem is solved, for example, by receiving calling line identification data between a first pair of bursts sent by the telecommunication service provider, and retransmitting the calling line identification data between a second pair of bursts sent by the telecommunication service provider. According to the embodiment of the present invention described in Claim 27, the problem is solved, for example, by passing the incoming call to an answering system at the customer equipment premises location through a selected one of a plurality of answering system device ports without allowing the audible indicator to sound responsive to the caller identification information not being associated with a preselected calling party. According to the embodiment of the present invention described in Claim 30, the problem is solved, for example, by identifying a communications device at the user premises location within a plurality of communication devices to which the incoming call should be routed responsive to determining the permissibility of passing the incoming call.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, whereby the identical invention must be shown in as complete detail as is contained in the claim. Tatchell does not set forth each and every element featured in Claims 1, 4-5, 20, 23-26, and 27-28, original and as amended.

Tatchell describes a personal agent which enables multiple subscribers listed in a contact database 51 to access and activate telephone network services using voice recognition technology and which provides each subscriber implicit access to the personal agent by going "off hook" from anyone have a number of predetermined subscriber locations from which the subscriber may be calling.

Regarding Claim 1, Tatchell fails to disclose, teach, or suggest, for example, performing the steps of determining caller identification information associated with an incoming call received from a telecommunication service provider network without allowing an audible indicator of the incoming call to sound, capturing caller identification information from the incoming call received from a telecommunication service provider network [by a customer premises equipment CPE device], and retransmitting the caller identification information immediately after allowing the audible indicator of the incoming call to sound a match between

the caller identification information associated with the incoming call and caller identification information for an allowable calling party. This is not only a temporal feature but also a location feature. The Tatchell personal agent which performs the interface functions identified by the Examiner on FIGS. 8a-8d, is located at the telecommunication service provider switching center 10. *See* FIG. 1 and col. 6, lines 65-67. The personal agent at the telephone switching center 10 intercepts calls directed to any one of a plurality of subscriber network addresses for each of a plurality of subscribers. *See* col. 4, lines 3-7. Upon identification of the calling party, Tatchell then dials up the subscriber at the subscriber's current location number. *See* FIG. 2b and col. 18, lines 47-48. Tatchell provides no disclosure, teaching, or suggestion with respect to signal processing once inside the premises of its subscribers other than ringing the telephone and receiving voice commands. Further, Tatchell provides no disclosure, teaching, or suggestion of retransmitting caller identification information captured from the incoming call, but rather, as indicated by the Examiner, "dialing up" an intended subscriber and providing an audible announcement of the name of the caller. *See* FIG. 8d, steps 113, 115, 116, and 119. This audible announcement is not the caller identification information associated with the incoming call (known to those skilled in the art and to layman as caller ID). Still further, even if it were so considered, which is not, such audible announcement of the caller generated by the personal agent would be considered an "initial" transmission rather than a retransmission.

Regarding Claim 20, Tatchell fails to disclose, teach, or suggest, for example, performing the steps of determining the presence of caller identification information associated with an incoming call received from a telecommunication service provider network without allowing an audible indicator of the incoming call to sound, selecting a default mode (mode selectable by a user) when there is not any caller identification information associated with the incoming call, and handling the call in accordance with the selected default mode. According to Tatchell, the determining step would be performed at the telephone switching center 10 rather than a location downstream of the telecommunication service provider network. The other elements, particularly the element of providing a default mode selectively controlled by a user, was not commented on by the Examiner. *See* Final Office Action, page 3, last paragraph to page 4, first paragraph. The Applicant believes that the Examiner inadvertently transcribed features of Claim 1 into the intended description of Claim 20 without adding in each of the features of Claim 20.

Nevertheless, Tatchell does not disclose, teach, or suggest allowing the user to directly manipulate the default mode of processing of an incoming call once it is received from a telecommunication service provider network. This is also not only a temporal feature but also a location feature. Tatchell is part of such telecommunication service provider network and therefore cannot receive from itself. Nor does Tatchell disclose, teach, or suggest not allowing an audible indicator of the incoming call to sound after being sent on by the personal agent. In fact, FIG. 8c, steps 109 and 110, illustrate the personal agent ringing the subscriber's phone.

Regarding Claim 27, Tatchell fails to disclose, teach, or suggest, for example, performing the steps of determining caller identification information associated with an incoming call received at a customer equipment premises location, allowing an audible indicator at the customer equipment premises location to sound responsive to the caller identification information being associated with a pre-selected allowable calling party, and passing the incoming call to an answering system at the customer equipment premises location through a selected one of a plurality of answering system device ports without allowing the audible indicator to sound. As noted above, the Tatchell personal agent is associated with a telephone switching center 10, and therefore, does not perform its functions at a customer equipment premises location beyond communicating with a single subscriber device associated with each single subscriber telephone number. Correspondingly, there is also no disclosure, teaching, or suggestion of a level of functionality allowing control of an audible indicator at the customer equipment premises location (other than ringing a telephone by dialing a telephone number to establish a communications link to the premises) or passing a call sent from the telephone switching center 10 to an answering system at the customer equipment premises location after it is received and processed at the customer equipment premises location. Further, Tatchell does not control any premises answering systems and therefore cannot pass the incoming call through a selected one of a plurality of ports within such computer equipment premises answering system. The voicemail referred to in col. 18, line 39 to col. 19, line 25 describes use of the personal agent voicemail located at the telephone switching center 10.

As Tatchell does not disclose, teach, suggest, or set forth each and every element featured in Claims 1, 20, or 27, as originally filed or as amended, such claims have been shown to be allowable and define over the cited reference. Note, Claims 1, 20, or 27 are also nonobvious

over Tatchell in view of Bushnell (U.S. Patent No. 6,289,084), as will be described later. Dependent Claims 2-5, 21-26, and 28-29, correspondingly, have also been shown to be allowable. Additionally, the dependent claims include independently novel and nonobvious features.

Claim 4, for example, features passing the incoming call received from the telecommunication service provider network at a customer equipment premises location to an answering system device at the customer equipment premises location without allowing the audible indicator of the incoming call to sound. As stated above, Tatchell does not disclose, teach, or suggest signal manipulation within the customer equipment premises location.

Claim 5, for example, features receiving calling line identification data between a first pair of bursts sent by the telecommunication service provider, reframing the received calling line identification data, and retransmitting the calling line identification data between a second pair of bursts sent by the telecommunication service provider. This allows a user of the identified caller ID capable communications device to take advantage of automated incoming call screening without losing caller ID capability. This is not disclosed, taught, or suggested by Tatchell. The Tatchell personal agent, in essence, is part of the telecommunication service provider network, and thus, does not need to modify the signal data provided by itself.

Claim 23, for example, features providing a visual indication of the incoming call at a customer premises location without providing an audio indication of the incoming call, and Claim 24 features suppressing transmission of ring bursts associated with the incoming call. As noted above, Tatchell does not perform manipulative steps within its subscriber's premises location. Claim 25 features that the incoming call is not retransmitted. The Tatchell personal agent intercepts calls for retransmission to one of a plurality of Tatchell subscribers. *See, e.g.,* col. 4, lines 3-7.

Claim 26, for example, features retransmitting the calling line identification data between a second pair of bursts when there is caller identification information associated with the incoming call matching caller identification information for an allowable calling party to thereby allow a user of a caller ID capable communications device to use automated incoming call screening without losing caller ID capability. This is not disclosed, taught, or suggested by

Tatchell. The Tatchell personal agent, is in essence, part of the telecommunication service provider network, and thus, does not need to modify the signal data provided by itself.

Claim 28, for example, features retransmitting the caller identification (within the incoming call) after allowing the audible indicator to sound. The audible announcement of the name of the caller is not a retransmission, but is instead generated by the Tatchell personal agent. *See* FIG. 8d, steps 113, 115, 116, and 119.

**Claims 2-3, 21-22, and 29-30 are Not Obvious.**

The Examiner rejected Claims 2-3, 21-22, and 29-30 under 35 U.S.C. § 103(a) as being obvious over Tatchell et al., U.S. Patent No. 5,905,774 (hereinafter "Tatchell") in view of Bushnell, U.S. Patent No. 6,289,084 (hereinafter "Bushnell"). The Applicant respectfully traverses the rejection.

As indicated earlier with respect to Claims 1, 4-5, 20, 23-26, and 27-28, Claims 2-3, 21-22, and 29-30 are not obvious. Bushnell was cited by the Examiner for the premise that the functions performed by the telecommunication service provider personal agent 11, e.g., determining caller identification information, can be performed at a customer premises location. The Applicant submits that one skilled in the art would understand that this could not be so without destroying the Tatchell invention. Correspondingly, if the teachings of Bushnell were applied to Tatchell, as will be described in more detail below, the outcome would be the Tatchell invention which can use statistical or other probabilistic likelihood to develop an affinity database of numbers used to prioritize processing of calls.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *See* MPEP 2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See* MPEP 706.02(J). "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *See In re Fritch*, 23 U.S.P.Q. 2d 1780, 1784 (Fed. Cir. 1992). The Applicant respectfully submits that neither of the cited prior art references suggest any

explicit or implicit motivation or desire to combine the references to accomplish Applicant's present invention. Further, Applicant respectfully submits that both Tatchell and Bushnell are not analogous art because neither reference is reasonably pertinent to the particular problems with which the Applicant is concerned.

**No Suggestion or Motivation to Combine or Modify References**

There are three possible sources for a motivation to combine references: "the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *See* MPEP § 2143.01. Tatchell was concerned with developing a subscriber interface (personal agent) to facilitate a telecommunication service provider subscribers access and operation of personal communications services using voice-activated commands. *See* col. 1, lines 10-14 and col. 3, lines 20-22. Bushnell was concerned with providing a call screening mechanism which can learn user call screening preferences by observing the actions or activities (call frequency and duration) of the individual consumer. *See* col. 2, line 10-16. Neither Tatchell nor Bushnell deal with the Applicant's problem of managing incoming calls at a customer equipment premises location using a novel screening device without losing caller ID capability. Further, neither reference explicitly or inherently provides such a suggestion. Additionally, one skilled in the art would not know how to move the functions of the Tatchell personal agent down to a single subscriber's equipment premises location without moving substantial portions of the telephone switching center 10 to such location. Correspondingly, one skilled in the art would not be motivated to combine these references nor the desire to do so. Thus, this element is lacking.

**No Reasonable Expectation of Success**

Applicant respectfully submits that the second element of a *prima facie* case for obviousness is also lacking because there must be, and there is not in this present case, a reasonable expectation of success. Applicant respectfully submits that modifying Tatchell to be positioned at a customer premise would all but completely destroy the Tatchell invention. That is, the Tatchell invention would no longer have a personal agent processor 11 connected to a telephone switching center 10 for servicing multiple subscribers and would lose the ability to



provide service to multiple subscribers listed in contact database 51 (which provides a list of subscriber's contact names and telephone numbers). *See* col. 3, lines 24-30, and col. 13, lines 3-5. The Tatchell invention would also lose the ability to provide immediate access to a single personal agent by the subscriber going "off hook" at anyone of a number of predetermined subscriber locations (having different telephone numbers) from which the subscriber may be calling; and intercepting calls directed to any one of the subscriber's network addresses identified in a subscriber call management profile. *See* col. 3, lines 48-55 and col. 4, lines 3-7. Tatchell would require extensive modification and redesign to be performed at a customer premises location. Modifying Tatchell, on the other hand, to incorporate Bushnell at the telephone switch center 10 would not provide the steps associated with the Applicant's claimed invention as it would merely be the Tatchell invention utilizing statistical or other probabilistic likelihood to develop an affinity database of numbers used to prioritize processing of calls.

**The References Do Not Teach or Suggest All Claim Limitations**

Applicant respectfully submits that the third element of a *prima facie* case for obviousness, which requires all claim limitations be taught or suggested, is also lacking. For example, with respect to Claim 1, neither Tatchell nor Bushnell, alone, or in combination, disclose, teach, or suggest retransmitting the caller identification information associated with an incoming call. With respect to Claim 20, for example, neither reference discloses, teaches, or suggests a default mode that is selectively controlled by a user for handling incoming calls not having any caller identification information received from a telecommunication service provider network. With respect to Claim 27, for example, neither reference discloses, teaches, or suggests directing (passing) an incoming call to a selected answering system at the customer equipment premises location through a selected one of a plurality of answering system device ports. Tatchell does not perform its functions at a customer equipment premises location beyond communicating with a single subscriber device associated with each single subscriber telephone number, i.e., ringing the telephone, providing announcements, and receiving voice commands. Bushnell when implemented as an apparatus (see FIG. 5) is incorporated in a single telephone device. *See* col. 9, lines 21-33. Likewise, with respect to Claim 30, for example, neither reference discloses, teaches, or suggests identifying a communications device at a user premises

location within a plurality of communication devices to which the incoming call should be routed responsive to determining the permissibility of passing the incoming call. Nor does the Examiner state that either reference discloses this feature.

Accordingly, Claims 1, 20, 27, and 30, as originally filed and as amended, have been shown to be novel, nonobvious, and allowable with respect to the cited patent documents. Dependent Claims 2-9, correspondingly, have likewise been shown to be allowable. The dependent claims further have independent novelty and are nonobvious.

For example, regarding Claim 2, neither reference discloses, teaches, or suggests identifying a communications device at a customer equipment premises location within a plurality of communications devices at the customer equipment premises location to which the incoming call should be routed, and passing ring signals associated with the incoming call to the identified communications device. As stated above, Tatchell does not perform its functions at a customer equipment premises location beyond communicating with a single subscriber device associated with each single subscriber telephone number, i.e., ringing the telephone, providing announcements, and receiving voice commands. Bushnell when implemented as an apparatus (see FIG. 5) is incorporated in a single telephone device. *See* col. 9, lines 21-33. Correspondingly, the step of passing ring signals associated with the incoming call to the identified communications device without passing the ring signals associated with the incoming call to another communications device featured in Claim 3 is also not disclosed, taught, or suggested. Regarding Claim 21, neither Tatchell nor Bushnell disclose, teach, or suggest selection among multiple live device ports at the customer premises location. Regarding Claim 22, neither reference discloses, teaches, or suggests transmitting the incoming call to a handset *at* the customer premises location upon receiving the incoming call at the customer premises location. Regarding Claim 29, neither reference discloses, teaches, or suggests visually indicating to a user of the answering system (for each separate incoming call) the presence of each separate incoming call when being received (regardless of the priority or disposition). Applicant was unable to locate which "line(s)" and col. 10 of Bushnell the Examiner was apparently intending to refer to.

**The Final Rejection was Premature**

As stated in MPEP 706.07, "the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed" Each feature of independent Claim 20 and independent Claim 30 was not specifically addressed in either office action. Applicant, nevertheless, in order to expedite allowance of the application commented on such features to illustrate that neither Tatchell nor Bushnell, alone or in combination, disclose, teach, or suggest each and every feature of the claims.

In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the references and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and Applicant's present invention have been made by Applicant. For the foregoing reasons, Applicant reserves the right to submit additional evidence showing the distinctions between Applicant's invention to be nonobvious in view of the prior art.

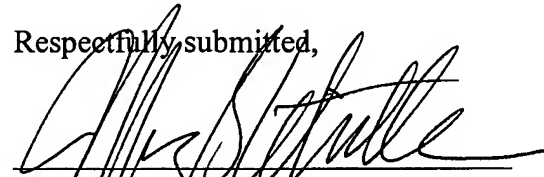
The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention that render it patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

**CONCLUSION**

In view of the amendments and remarks set forth herein, Applicant respectfully submits that the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Date: 4-3-06

Respectfully submitted,



Jeffrey S. Whittle, Reg. No. 36,382  
BRACEWELL & GIULIANI LLP  
P.O. Box 61389

Houston, Texas 77208-1389

Telephone: (713) 221-1185

1944072.2